

**EIGHTY-SEVENTH GENERAL ASSEMBLY
2018 REGULAR SESSION
DAILY
SENATE CLIP SHEET**

March 6, 2018

Clip Sheet Summary

Displays all amendments, fiscal notes, and conference committee reports for previous day.

Bill	Amendment	Action	Sponsor
<u>SF 192</u>	<u>S-5087</u>	Adopted	DAN DAWSON
<u>SF 2131</u>	<u>S-5089</u>	Lost	MATT McCOY
<u>SF 2131</u>	<u>S-5090</u>	Withdrawn	MATT McCOY
<u>SF 2131</u>	<u>S-5091</u>	Withdrawn	MATT McCOY
<u>SF 2131</u>	<u>S-5092</u>	Withdrawn	MATT McCOY
<u>SF 2311</u>	<u>S-5096</u>	Filed	MICHAEL BREITBACH
<u>SF 2314</u>	<u>S-5085</u>	Withdrawn	JEFF EDLER
<u>SF 2322</u>	<u>S-5086</u>	Adopted	JASON SCHULTZ
<u>SF 2345</u>	<u>S-5093</u>	Lost	ROBERT M. HOGG
<u>SF 2345</u>	<u>S-5094</u>	Lost	ROBERT M. HOGG
<u>SF 2345</u>	<u>S-5095</u>	Lost	ROBERT M. HOGG
<u>SF 2361</u>	<u>S-5088</u>	Filed	AMY SINCLAIR

Fiscal Notes

[SJR 2010](#) — [Criminal Victim Rights Constitutional Amendment](#) (LSB5459SV)

[HF 2377](#) — [Opioid Regulation](#) (LSB6028HV.1)

SENATE FILE 192

S-5087

- 1 Amend Senate File 192 as follows:
- 2 1. Page 1, line 2, by striking <2017> and inserting <2018>
- 3 2. Page 1, line 23, by striking <2017> and inserting <2018>
- 4 3. Page 2, line 20, by striking <2017> and inserting <2018>
- 5 4. Page 3, line 2, by striking <2017> and inserting <2018>
- 6 5. Page 3, line 8, by striking <2017> and inserting <2018>
- 7 6. Page 3, line 20, by striking <2017> and inserting <2018>
- 8 7. Page 3, line 26, by striking <2017> and inserting <2018>
- 9 8. Page 4, line 30, by striking <2017> and inserting <2018>
- 10 9. Page 5, by striking line 2 and inserting <that the person
- 11 is a licensed behavior analyst or licensed assistant behavior>
- 12 10. Page 6, line 26, by striking <school board> and
- 13 inserting <school, school district, or area education agency>
- 14 11. Page 6, line 35, by striking <2017> and inserting <2018>
- 15 12. Page 7, line 9, by striking <2017> and inserting <2018>
- 16 13. Page 7, line 28, by striking <2017> and inserting <2018>
- 17 14. Page 8, line 3, by striking <2018> and inserting <2019>
- 18 15. Page 8, line 7, by striking <2018> and inserting <2019>

By DAN DAWSON

S-5087 FILED MARCH 5, 2018

ADOPTED

SENATE FILE 2131

S-5089

1 Amend the House amendment, S-5068, to Senate File 2131, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, after line 2 by inserting:

4 <___. Page 1, line 1, after <1,> by inserting <3,>

5 ___. Page 1, after line 14 by inserting:

6 <3. Coursework offered under the initiative shall be taught
7 by a teacher licensed under chapter 272 who has completed an
8 online-learning-for-Iowa-educators-professional-
9 development project offered by area education agencies, a
10 teacher preservice program, or comparable coursework. The
11 teacher providing the initiative coursework shall conduct
12 two parent-teacher conferences with the parent or guardian
13 of each student who is receiving initiative coursework from
14 the teacher unless the parent or guardian is participating
15 in parent-teacher conferences held by the school district
16 or accredited nonpublic school in which the student is
17 enrolled. The first parent-teacher conference shall take place
18 mid-semester and the last parent-teacher conference shall
19 take place as soon as reasonably possible after the course is
20 completed. Parent-teacher conferences may take place in person
21 or by video conference.>>

22 2. Page 1, after line 21 by inserting:

23 <___. Title page, line 3, after <or private instruction>
24 by inserting <, requiring initiative teachers to conduct
25 parent-teacher conferences,>>

26 3. By renumbering as necessary.

By MATT McCOY

S-5089 FILED MARCH 5, 2018

LOST

SENATE FILE 2131

S-5090

1 Amend the House amendment, S-5068, to Senate File 2131, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, after line 2 by inserting:

4 <____. Page 1, line 1, after <5,> by inserting <6,>

5 _____. Page 1, after line 32 by inserting:

6 <6. a. Coursework offered under the initiative shall be
7 rigorous and high quality, and the department shall annually
8 evaluate the quality of the courses and ensure that coursework
9 is aligned with the state's core curriculum and core content
10 requirements and standards, as well as national standards
11 of quality for online courses issued by an internationally
12 recognized association for kindergarten through grade twelve
13 online learning.

14 b. The initiative shall provide annually to the department
15 the scores for each student taking coursework through the
16 initiative who is receiving private instruction under chapter
17 299A as described in subsection 1 and the department shall
18 compile the data in an aggregate form that does not identify
19 individual students and shall provide a detailed analysis of
20 course completion rates. The department shall submit the
21 analysis and the department's findings and recommendations in
22 a report to the general assembly by January 15 annually. For
23 each report beyond the initial report, the department shall
24 include in its analysis a comparison of the most current year's
25 data with the data collected and analyzed in prior years.>>

26 2. Page 1, after line 21 by inserting:

27 <____. Title page, line 3, after <or private instruction> by
28 inserting <, providing for an annual report,>>

29 3. By renumbering as necessary.

By MATT McCOY

S-5090 FILED MARCH 5, 2018

WITHDRAWN

SENATE FILE 2131

S-5091

1 Amend the House amendment, S-5068, to Senate File 2131, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 3 through 26 and inserting:

4 <1. By striking everything after the enacting clause and
5 inserting:

6 <Section 1. Section 261E.8, subsection 2, Code 2018, is
7 amended to read as follows:

8 2. Students from accredited nonpublic schools and students
9 receiving competent private instruction ~~or independent private~~
10 ~~instruction~~ under chapter 299A may access the program through
11 the school district in which the accredited nonpublic school or
12 private institution is located.

13 Sec. 2. Section 299.1, subsection 1, Code 2018, is amended
14 to read as follows:

15 1. Except as provided in section 299.2, the parent,
16 guardian, or legal or actual custodian of a child who is of
17 compulsory attendance age shall cause the child to attend some
18 public school or an accredited nonpublic school, or place
19 the child under competent private instruction ~~or independent~~
20 ~~private instruction~~ in accordance with the provisions of
21 chapter 299A, during a school year, as defined under section
22 279.10.

23 Sec. 3. Section 299.1B, Code 2018, is amended to read as
24 follows:

25 **299.1B Failure to attend — driver's license.**

26 A person who ~~is of compulsory attendance age who does~~
27 ~~not meet the requirements for an exception under section~~
28 ~~299.2, who~~ does not attend a public school or an accredited
29 nonpublic school, who is not receiving competent private
30 instruction ~~or independent private instruction~~ in accordance
31 with the provisions of chapter 299A, and who does not attend
32 an alternative school or adult education classes, shall not
33 receive an intermediate or full driver's license until age
34 eighteen.

35 Sec. 4. Section 299.4, subsection 1, Code 2018, is amended

1 to read as follows:

2 1. The parent, guardian, or legal custodian of a child who
3 is of compulsory attendance age, who places the child under
4 competent private instruction under either section 299A.2 or
5 299A.3, not in an accredited school or a home school assistance
6 program operated by a school district or accredited nonpublic
7 school, shall furnish a report in duplicate on forms provided
8 by the public school district, to the district by September 1
9 of the school year in which the child will be under competent
10 private instruction. The secretary shall retain and file
11 one copy and forward the other copy to the district's area
12 education agency. The report shall state the name and age of
13 the child, the period of time during which the child has been
14 or will be under competent private instruction for the year,
15 an outline of the course of study, texts used, and the name
16 and address of the instructor. The parent, guardian, or legal
17 custodian of a child, who is placing the child under competent
18 private instruction for the first time, shall also provide the
19 district with evidence that the child has had the immunizations
20 required under section 139A.8, and, if the child is elementary
21 school age, a blood lead test in accordance with section
22 135.105D. The term "*outline of course of study*" shall include
23 subjects covered, lesson plans, and time spent on the areas of
24 study.

25 Sec. 5. Section 299.6A, subsection 1, Code 2018, is amended
26 to read as follows:

27 1. In lieu of a criminal proceeding under section 299.6,
28 a county attorney may bring a civil action against a parent,
29 guardian, or legal or actual custodian of a child who is of
30 compulsory attendance age, has not completed educational
31 requirements, and is truant, if the parent, guardian, or legal
32 or actual custodian has failed to cause the child to attend a
33 public school or an accredited nonpublic school, or to place
34 the child under competent private instruction ~~or independent~~
35 ~~private instruction~~ in the manner provided in this chapter. If

1 the court finds that the parent, guardian, or legal or actual
2 custodian has failed to cause the child to attend as required
3 in this section, the court shall assess a civil penalty of not
4 less than one hundred but not more than one thousand dollars
5 for each violation established.

6 Sec. 6. Section 299.8, Code 2018, is amended to read as
7 follows:

8 **299.8 "Truant" defined.**

9 Any child of compulsory attendance age who fails to attend
10 school as provided in this chapter, or as required by the
11 school board's or school governing body's attendance policy,
12 or who fails to attend competent private instruction ~~or~~
13 ~~independent private instruction~~ under chapter 299A, without
14 reasonable excuse for the absence, shall be deemed to be a
15 truant. A finding that a child is truant, however, shall not
16 by itself mean that the child is a child in need of assistance
17 within the meaning of chapter 232 and shall not be the sole
18 basis for a child in need of assistance petition.

19 Sec. 7. Section 299.11, subsection 1, Code 2018, is amended
20 to read as follows:

21 1. The truancy officer may take into custody without
22 warrant any apparently truant child and place the child
23 in the charge of the school principal, or the principal's
24 designee, designated by the board of directors of the school
25 district in which the child resides, or in the charge of any
26 nonpublic school or any authority providing competent private
27 instruction ~~or independent private instruction~~ as defined in
28 section 299A.1, designated by the parent, guardian, or legal
29 or actual custodian; but if it is other than a public school,
30 the instruction and maintenance of the child shall be without
31 expense to the school district. If a child is taken into
32 custody under this section, the truancy officer shall make
33 every reasonable attempt to immediately notify the parent,
34 guardian, or legal or actual custodian of the child's location.

35 Sec. 8. Section 299.12, subsection 2, Code 2018, is amended

1 to read as follows:

2 2. This section is not applicable to a child who is
3 receiving competent private instruction ~~or independent private~~
4 ~~instruction~~ in accordance with the requirements of chapter
5 299A. If a child is not in compliance with the attendance
6 requirements established under section 299.1, and has not
7 completed educational requirements through the sixth grade,
8 and the school has used every means available to assure the
9 child does attend, the school truancy officer shall contact
10 the child's parent, guardian, or legal or actual custodian to
11 participate in an attendance cooperation meeting. The parties
12 to the attendance cooperation meeting may include the child
13 and shall include the child's parent, guardian, or legal or
14 actual custodian and the school truancy officer. The school
15 truancy officer contacting the participants in the attendance
16 cooperation meeting may invite other school officials, a
17 designee of the juvenile court, the county attorney or the
18 county attorney's designee, or other persons deemed appropriate
19 to participate in the attendance cooperation meeting.

20 Sec. 9. Section 299A.1, Code 2018, is amended to read as
21 follows:

22 **299A.1 ~~Competent private~~ Private instruction and independent**
23 **~~private instruction.~~**

24 1. The parent, guardian, or legal custodian of a child of
25 compulsory attendance age who places the child under private
26 instruction shall provide, unless otherwise exempted, competent
27 private instruction ~~or independent private instruction~~ in
28 accordance with this chapter. A parent, guardian, or legal
29 custodian of a child of compulsory attendance age who places
30 the child under private instruction which is not competent
31 private instruction ~~or independent private instruction~~,
32 or otherwise fails to comply with the requirements of this
33 chapter, is subject to the provisions of sections 299.1 through
34 299.4 and the penalties provided in section 299.6.

35 2. For purposes of this chapter and chapter 299:

1 ~~a.~~ ~~"Competent private instruction"~~ means private instruction
2 provided on a daily basis for at least one hundred forty-eight
3 days during a school year, to be met by attendance for at
4 least thirty-seven days each school quarter, by or under the
5 supervision of a licensed practitioner in the manner provided
6 under section 299A.2, or a parent, guardian, or legal custodian
7 under section 299A.3, which results in the student making
8 adequate progress.

9 ~~b.~~ ~~"Independent private instruction"~~ means instruction that
10 meets the following criteria:

11 ~~(1) Is not accredited.~~

12 ~~(2) Enrolls not more than four unrelated students.~~

13 ~~(3) Does not charge tuition, fees, or other remuneration for~~
14 ~~instruction.~~

15 ~~(4) Provides private or religious-based instruction as its~~
16 ~~primary purpose.~~

17 ~~(5) Provides enrolled students with instruction in~~
18 ~~mathematics, reading and language arts, science, and social~~
19 ~~studies.~~

20 ~~(6) Provides, upon written request from the superintendent~~
21 ~~of the school district in which the independent private~~
22 ~~instruction is provided, or from the director of the department~~
23 ~~of education, a report identifying the primary instructor,~~
24 ~~location, name of the authority responsible for the independent~~
25 ~~private instruction, and the names of the students enrolled.~~

26 ~~(7) Is not a nonpublic school and does not provide competent~~
27 ~~private instruction as defined in this subsection.~~

28 ~~(8) Is exempt from all state statutes and administrative~~
29 ~~rules applicable to a school, a school board, or a school~~
30 ~~district, except as otherwise provided in chapter 299 and this~~
31 ~~chapter.~~

32 ~~c.~~ ~~b.~~ ~~"Private instruction"~~ means instruction using a
33 plan and a course of study in a setting other than a public or
34 organized accredited nonpublic school.

35 Sec. 10. Section 299A.3, unnumbered paragraph 1, Code 2018,

1 is amended to read as follows:

2 A parent, guardian, or legal custodian of a child of
3 compulsory attendance age providing competent private
4 instruction to the child ~~may~~ shall meet all of the following
5 requirements:

6 Sec. 11. Section 299A.11, Code 2018, is amended to read as
7 follows:

8 **299A.11 Student records confidential.**

9 Notwithstanding any provision of law or rule to the
10 contrary, personal information in records regarding a child
11 receiving competent private instruction ~~or independent private~~
12 ~~instruction~~ pursuant to this chapter, which are maintained,
13 created, collected, or assembled by or for a state agency,
14 shall be kept confidential in the same manner as personal
15 information in student records maintained, created, collected,
16 or assembled by or for a school corporation or educational
17 institution in accordance with section 22.7, subsection 1.

18 Sec. 12. Section 321.178, subsection 1, paragraph c, Code
19 2018, is amended to read as follows:

20 c. Every public school district in Iowa shall offer
21 or make available to all students residing in the school
22 district, or Iowa students attending a nonpublic school or
23 receiving competent private instruction ~~or independent private~~
24 ~~instruction as defined in section 299A.1,~~ in the district, an
25 approved course in driver education. The receiving district
26 shall be the school district responsible for making driver
27 education available to a student participating in open
28 enrollment under section 282.18. The courses may be offered
29 at sites other than at the public school, including nonpublic
30 school facilities within the public school districts. An
31 approved course offered during the summer months, on Saturdays,
32 after regular school hours during the regular terms or partly
33 in one term or summer vacation period and partly in the
34 succeeding term or summer vacation period, as the case may
35 be, shall satisfy the requirements of this section to the

1 same extent as an approved course offered during the regular
2 school hours of the school term. A student who successfully
3 completes and obtains certification in an approved course in
4 driver education or an approved course in motorcycle education
5 may, upon proof of such fact, be excused from any field test
6 which the student would otherwise be required to take in
7 demonstrating the student's ability to operate a motor vehicle.
8 A student shall not be excused from any field test if a parent,
9 guardian, or instructor requests that a test be administered.
10 A final field test prior to a student's completion of an
11 approved course shall be administered by a person qualified
12 as a classroom driver education instructor and certified to
13 provide street and highway driving instruction. A person
14 qualified as a classroom driver education instructor but not
15 certified to provide street and highway driving instruction
16 may administer the final field test if accompanied by another
17 person qualified to provide street and highway driving
18 instruction.

19 Sec. 13. Section 321.180B, subsection 2, paragraph a, Code
20 2018, is amended to read as follows:

21 a. The department may issue an intermediate driver's
22 license to a person sixteen or seventeen years of age who
23 possesses an instruction permit issued under subsection 1 or
24 a comparable instruction permit issued by another state for a
25 minimum of twelve months immediately preceding application,
26 and who presents an affidavit signed by a parent, guardian, or
27 custodian on a form to be provided by the department that the
28 permittee has accumulated a total of twenty hours of street
29 or highway driving of which two hours were conducted after
30 sunset and before sunrise and the street or highway driving was
31 with the permittee's parent, guardian, custodian, instructor,
32 a person certified by the department, or a person at least
33 twenty-five years of age who had written permission from a
34 parent, guardian, or custodian to accompany the permittee, and
35 whose driving privileges have not been suspended, revoked,

1 or barred under this chapter or chapter 321J during, and who
2 has been accident and violation free continuously for, the
3 six-month period immediately preceding the application for an
4 intermediate license. An applicant for an intermediate license
5 must meet the requirements of section 321.186, including
6 satisfactory completion of driver education as required in
7 section 321.178 ~~or 321.178A~~, and payment of the required
8 license fee before an intermediate license will be issued. A
9 person issued an intermediate license must limit the number of
10 passengers in the motor vehicle when the intermediate licensee
11 is operating the motor vehicle to the number of passenger
12 safety belts. In addition, unless waived by the person's
13 parent or guardian at the time the intermediate license is
14 issued, for the first six months following issuance of the
15 license, a person issued an intermediate license must limit the
16 number of unrelated minor passengers in the motor vehicle when
17 the intermediate licensee is operating the motor vehicle to
18 one, except when the intermediate licensee is accompanied in
19 accordance with subsection 1. For purposes of this subsection,
20 *"unrelated minor passenger"* means a passenger who is under
21 eighteen years of age and who is not a sibling of the driver, a
22 stepsibling of the driver, or a child who resides in the same
23 household as the driver. The department shall prescribe the
24 form for waiver of the six-month restriction on unrelated minor
25 passengers, which may be in an electronic format, and shall
26 designate characteristics for the intermediate license that
27 shall distinguish between an intermediate license that includes
28 the six-month restriction on unrelated minor passengers and
29 an intermediate license that does not include the six-month
30 restriction on unrelated minor passengers.

31 Sec. 14. REPEAL. Section 321.178A, Code 2018, is repealed.>

32 2. Title page, by striking lines 1 through 4 and inserting
33 <An Act relating to private instruction.>>

By MATT McCOY

S-5091 (Continued)

[S-5091](#) FILED MARCH 5, 2018

WITHDRAWN

SENATE FILE 2131

S-5092

1 Amend the House amendment, S-5068, to Senate File 2131, as
2 amended, passed, and reprinted by the Senate, as follows:

3 1. Page 1, after line 8 by inserting:

4 <Sec. _____. Section 299.4, subsection 1, Code 2018, is
5 amended to read as follows:

6 1. The parent, guardian, or legal custodian of a child who
7 is of compulsory attendance age, who places the child under
8 competent private instruction ~~under section 299A.2, independent~~
9 private instruction, or private instruction under chapter
10 299A, not in an accredited school or a home school assistance
11 program operated by a school district or accredited nonpublic
12 school, shall furnish to the school district of residence a
13 ~~report in duplicate on forms provided in the form and manner~~
14 prescribed by the ~~public~~ school district, ~~to the district~~ by
15 September 1 of the school year in which the child will be under
16 competent private instruction, independent private instruction,
17 or private instruction. The secretary shall retain and file
18 one copy and forward the other copy to the district's area
19 education agency. The report shall state the name and age of
20 the child, the period of time during which the child has been
21 or will be under competent private instruction, independent
22 private instruction, or private instruction for the year, an
23 outline of the course of study, texts used, and the name and
24 address of the instructor. The parent, guardian, or legal
25 custodian of a child, who is placing the child under competent
26 private instruction, independent private instruction, or
27 private instruction for the first time, shall also provide the
28 district with evidence that the child has had the immunizations
29 required under section 139A.8, and, if the child is elementary
30 school age, a blood lead test in accordance with section
31 135.105D. The term "*outline of course of study*" shall include
32 subjects covered, lesson plans, and time spent on the areas of
33 study.

34 Sec. _____. Section 299A.1, subsection 2, paragraph b,
35 subparagraph (6), Code 2018, is amended to read as follows:

1 ~~(6) Provides, upon written request from the superintendent~~
2 ~~of to the superintendent of the school district in which the~~
3 ~~independent private instruction is provided, or from the~~
4 ~~director of the department of education of residence of each~~
5 ~~student enrolled, a report identifying the primary instructor,~~
6 location, name of the authority responsible for the independent
7 private instruction, and the names of the students enrolled.

8 Sec. _____. Section 299A.3, Code 2018, is amended to read as
9 follows:

10 **299A.3 Private instruction by nonlicensed person.**

11 1. A parent, guardian, or legal custodian of a child of
12 compulsory attendance age providing private instruction to
13 the child shall complete and send, in a timely manner, the
14 report required under section 299.4 to the school district of
15 residence of the child.

16 2. A parent, guardian, or legal custodian of a child of
17 compulsory attendance age providing private instruction to the
18 child may meet all either of the following requirements:

19 ~~1. Complete and send, in a timely manner, the report~~
20 ~~required under section 299.4 to the school district of~~
21 ~~residence of the child.~~

22 ~~2. a.~~ Ensure that the child under the parent's, guardian's,
23 or legal custodian's instruction is evaluated annually to
24 determine whether the child is making adequate progress, as
25 defined in section 299A.6.

26 ~~3. b.~~ Ensure that the results of the child's annual
27 evaluation are reported to the school district of residence
28 of the child and to the department of education by a date not
29 later than June 30 of each year in which the child is under
30 private instruction.

31 Sec. _____. NEW SECTION. **299A.13 Health and safety visits.**

32 1. The board of directors of a school district shall
33 conduct quarterly home visits to check on the health and safety
34 of children located within the district who are receiving
35 competent private instruction, independent private instruction,

1 or private instruction.

2 2. Home visits shall take place in the child's residence
3 with the consent of the parent, guardian, or legal custodian
4 and an interview or observation of the child may be conducted.
5 If permission to enter the home to interview or observe the
6 child is refused, the juvenile court or district court upon
7 a showing of probable cause may authorize the person making
8 the home visit to enter the home and interview or observe the
9 child.

10 3. The superintendent of the school district shall
11 designate a person to carry out the duties assigned to the
12 school district under this section. The person designated
13 shall be a mandatory reporter, as defined in section 232.69,
14 subsection 1. The school district may collaborate with the
15 department of human services, including the local, county, and
16 service area officers of the department, in conducting the home
17 visits required under this section.

18 4. The department of education, in collaboration with the
19 department of human services, shall provide guidelines to
20 school districts for implementation of this section.>

21 2. Page 1, after line 18 by inserting:

22 <Sec. _____. STATE MANDATE FUNDING SPECIFIED. In accordance
23 with section 25B.2, subsection 3, the state cost of requiring
24 compliance with any state mandate included in this Act shall
25 be paid by a school district from state school foundation aid
26 received by the school district under section 257.16. This
27 specification of the payment of the state cost shall be deemed
28 to meet all of the state funding-related requirements of
29 section 25B.2, subsection 3, and no additional state funding
30 shall be necessary for the full implementation of this Act
31 by and enforcement of this Act against all affected school
32 districts.>

33 3. By striking lines 22 through 25 and inserting:

34 <_____. Title page, by striking lines 1 through 4 and
35 inserting <An Act relating to private instruction by expanding

S-5092 (Continued)

1 the Iowa learning online initiative to include students
2 receiving private instruction and by adding reporting
3 requirements and health and safety visits for children placed
4 under private instruction, by providing for an online working
5 group, providing for fees, and including effective date
6 provisions.>>

7 4. By renumbering as necessary.

By MATT McCOY

S-5092 FILED MARCH 5, 2018

WITHDRAWN

SENATE FILE 2311

S-5096

1 Amend Senate File 2311 as follows:

2 1. Page 6, lines 9 and 10, by striking <as provided>

3 2. By striking page 6, line 24, through page 8, line 18, and
4 inserting:

5 <(b) A rate-regulated gas or electric utility customer
6 may request an exemption from participation in any energy
7 efficiency plan or demand response plan offered by a gas or
8 electric utility. Upon receipt of a request for exemption
9 submitted by a customer, the gas or electric utility shall
10 grant the exemption and, beginning January 1 of the following
11 year, the customer shall no longer be assessed the costs of the
12 plan and shall be prohibited from participating in any program
13 included in such plan. An exemption shall be permanent and
14 shall exempt the customer from any subsequent five-year plan
15 offered by the gas or electric utility, provided, however,
16 that a customer granted an exemption may request to enroll
17 in a subsequent five-year energy efficiency plan or demand
18 response plan at any time prior to the commencement of such
19 plan. The gas or electric utility shall grant the enrollment
20 and, beginning at the commencement of the subsequent plan, the
21 customer shall be assessed the costs of the plan and shall be
22 allowed to participate in any program included in such plan.

23 (2) Gas and electric utilities required to be
24 rate-regulated under this chapter may request an energy
25 efficiency plan or demand response plan modification during the
26 course of a five-year plan. A modification may be requested
27 due to changes in funding as a result of public utility
28 customers requesting exemptions from the plan or for any other
29 reason identified by the gas or electric utility. The board
30 shall take action on a modification request made by a gas or
31 electric utility within ninety days after the modification
32 request is filed. If the board fails to take action within
33 ninety days after a modification request is filed, the
34 modification request shall be deemed approved.

35 (3) Before any energy efficiency plan or demand response

1 plan is filed with the board pursuant to this subsection, the
2 board shall adopt rules pursuant to chapter 17A establishing
3 reasonable processes and procedures for utility customers to
4 request exemptions from energy efficiency plans or demand
5 response plans pursuant to this subsection. The rules adopted
6 by the board shall only apply to rate-regulated gas or electric
7 utilities and shall, at a minimum, do all of the following:

8 (a) Prohibit a customer from obtaining an exemption from
9 an energy efficiency plan or demand response plan if the
10 customer has participated in any energy efficiency program or
11 demand response program included in a plan during the course
12 of the plan, or has redeemed any rebate pursuant to an energy
13 efficiency program or demand response program included in a
14 plan during the course of the plan.

15 (b) Require utilities to provide notification to customers
16 regarding the ability to request an exemption from an energy
17 efficiency plan or demand response plan, or the ability to
18 enroll in a subsequent five-year plan if the customer received
19 an exemption, and establish requirements regarding the content
20 and form of such notification provided to customers. The
21 notification provided to customers shall inform the customer
22 that participation in any energy efficiency program or demand
23 response program included in a plan during the course of
24 the plan, or redemption of any rebate pursuant to an energy
25 efficiency program or demand response program included
26 in a plan during the course of a plan, shall preclude the
27 customer from receiving an exemption from the plan until the
28 commencement of the next five-year plan. Such information
29 included in the notification shall also be included in any
30 rebate provided to customers relating to an energy efficiency
31 program or demand response program included in a plan.

32 (c) Provide reasonable time for utilities to develop any
33 billing or administrative systems required to implement the
34 rules adopted by the board pursuant to this subparagraph.

35 (d) Provide that if more than ninety percent of the total

1 number of customers in a particular customer class request an
2 exemption from an energy efficiency plan or demand response
3 plan pursuant to this subsection, the utility may discontinue
4 such plan for that particular customer class.

5 (e) Specify how costs that have not been fully recovered
6 from customers during a plan period, including costs of
7 discontinued plans, are to be recovered from customers.

8 (f) Allow a customer to request an exemption during the
9 first plan year of a five-year energy efficiency plan or demand
10 response plan that takes effect on or after January 1, 2019,
11 within a time period of sixty days or more after the date such
12 plan takes effect, which exemption shall become effective at
13 the end of the time period allowed for customers to request an
14 exemption.

15 (g) Allow a customer that moves into the service area of a
16 gas or electric utility during the course of a five-year energy
17 efficiency plan or demand response plan to request an exemption
18 from such plan within sixty days after the commencement of gas
19 or electric service, which exemption shall become effective at
20 the end of the sixty-day time period from which gas or electric
21 service commenced.>

22 3. Page 8, lines 29 and 30, by striking <energy efficiency
23 and demand response programs> and inserting <plans>

24 4. Page 9, line 2, by striking <a program> and inserting <a
25 plan>

26 5. Page 9, line 7, by striking <program>

27 6. Page 9, line 22, after <groupings.> by inserting
28 <Gas and electric utilities that are not required to be
29 rate-regulated shall allow customers to request exemptions
30 from participation in any energy efficiency programs or demand
31 response programs offered by the utility, and shall establish
32 reasonable processes and procedures for customers to request
33 such exemptions. Such processes and procedures established
34 by non-rate-regulated gas and electric utilities shall not be
35 subject to the regulatory authority of the board.>

1 7. Page 10, by striking lines 14 through 25 and inserting
2 <response plan that results in projected cumulative average
3 annual costs that exceed one and one-half percent of the
4 gas utility's expected annual rate revenue from customers
5 participating in such plans, and shall not require an electric
6 utility to adopt an energy efficiency plan or demand response
7 plan that results in projected cumulative average annual costs
8 that exceed two percent of the electric utility's expected
9 annual rate revenue from customers participating in such
10 plans. For purposes of determining the one and one-half or
11 two percent threshold amount, the board shall exclude from a
12 gas or electric utility's expected annual rate revenue the
13 revenues expected from customers that have received exemptions
14 from energy efficiency plans or demand response plans pursuant
15 to paragraph "a", subparagraph (1), subparagraph division
16 (b). A gas or electric utility may voluntarily propose an
17 energy efficiency plan or demand response plan that results in
18 projected average annual costs that exceed one and one-half
19 percent, on a cumulative basis, of a gas utility's expected
20 annual rate revenue from customers participating in such plans,
21 or two percent, on a cumulative basis, of an electric utility's
22 expected annual rate revenue from customers participating in
23 such plans. The board may approve, reject, or modify the>

24 8. By striking page 10, line 33, through page 11, line 7,
25 and inserting <currently approved energy efficiency plan or
26 demand response plan includes projected average annual costs
27 that exceed one and one-half percent, on a cumulative basis,
28 of the gas utility's expected annual rate revenue received
29 from customers participating in such plan for service within
30 the previous calendar year, exclusive of recovery of energy
31 efficiency costs, or two percent, on a cumulative basis, of
32 the electric utility's expected annual rate revenue received
33 from customers participating in such plan for service within
34 the previous calendar year, exclusive of recovery of energy
35 efficiency costs, the gas or electric utility may file a

1 request to modify its approved energy efficiency plan or
2 demand response plan to achieve projected average annual costs
3 at one and one-half or less, on a cumulative basis, of the
4 gas utility's expected annual rate revenue from customers
5 participating in such plan, or two percent or less, on a
6 cumulative basis, of the electric utility's expected annual
7 rate revenue from customers participating in such plan. In
8 such case, or whenever a request>

9 9. By striking page 11, line 31, through page 12, line 1,
10 and inserting <defined in section 476.42. Customers that have
11 been granted exemptions from energy efficiency plans or demand
12 response plans pursuant to paragraph "a", subparagraph (1),
13 subparagraph division (b), shall not be charged for recovery of
14 energy efficiency or demand response costs beginning January
15 1 of the year following the year in which the customer was
16 granted the exemption.>

By MICHAEL BREITBACH

[S-5096](#) FILED MARCH 5, 2018

SENATE FILE 2314

S-5085

1 Amend Senate File 2314 as follows:

2 1. Page 2, after line 34 by inserting:

3 <DIVISION ____

4 UNIFORM LIMITED PARTNERSHIP ACT

5 Sec. _____. Section 488.102, subsection 19, Code 2018, is
6 amended to read as follows:

7 19. "*Registered office*" means:

8 ~~a. With respect to a limited partnership,~~ means the office
9 that ~~the a~~ a limited partnership or foreign limited partnership
10 is required to designate and maintain under section 488.114.

11 ~~b. With respect to a foreign limited partnership, its~~
12 ~~principal office.~~

13 Sec. _____. Section 488.114, Code 2018, is amended to read as
14 follows:

15 **488.114 Registered office and registered agent for service**
16 **of process.**

17 1. A limited partnership or foreign limited partnership
18 shall designate and continuously maintain in this state ~~both~~
19 all of the following:

20 a. A registered office, which need not be a place of its
21 activity in this state.

22 b. A registered agent for service of process.

23 ~~2. A foreign limited partnership shall designate and~~
24 ~~continuously maintain in this state a registered agent for~~
25 ~~service of process.~~

26 ~~3.~~ 2. A registered agent for service of process of a
27 limited partnership or foreign limited partnership must be an
28 one of the following:

29 a. An individual who is a resident of Iowa ~~or other~~ and
30 whose business office is identical with the registered office.

31 b. A person other than an individual authorized to do
32 business in this state whose business office is identical with
33 the registered office.

34 Sec. _____. Section 488.116, subsections 2 and 3, Code 2018,
35 are amended to read as follows:

1 2. After receiving a statement of resignation, the
2 secretary of state shall file it and mail a copy to the
3 registered office of the limited partnership or foreign limited
4 partnership ~~and another copy to the principal office if the~~
5 ~~address of the office appears in the records of the secretary~~
6 ~~of state and is different from the address of the registered~~
7 ~~office.~~

8 3. A registered agency agent for service of process is
9 terminated on the date on which the statement of resignation
10 was filed with the secretary of state.

11 Sec. _____. Section 488.809, subsection 1, Code 2018, is
12 amended to read as follows:

13 1. The secretary of state may dissolve a limited partnership
14 administratively if the limited partnership does not, ~~within~~
15 ~~sixty days after the due date,~~ do any of the following:

16 a. Pay, within sixty days after the due date, any fee, tax,
17 or penalty under this chapter or other law due the secretary of
18 state.

19 b. Deliver, within sixty days after the due date, its
20 biennial report to the secretary of state required under
21 section 488.210.

22 c. Designate and continuously maintain a registered office
23 and appoint and maintain a registered agent for service of
24 process as required by section 488.114.

25 d. Deliver for filing a statement of a change under section
26 488.115 within sixty days after the change has occurred.

27 Sec. _____. Section 488.902, subsection 2, Code 2018, is
28 amended to read as follows:

29 2. A foreign limited partnership shall deliver with the
30 completed application a certificate of existence or a record
31 of similar import signed by the secretary of state or other
32 official having custody of the foreign limited partnership's
33 publicly filed records in the state or other jurisdiction under
34 whose law the foreign limited partnership is organized. The
35 certificate of existence or other record described in this

1 subsection must be dated not earlier than ninety days prior to
2 the date the application is filed with the secretary of state.

3 Sec. _____. Section 488.906, subsections 1 and 2, Code 2018,
4 are amended to read as follows:

5 1. A certificate of authority of a foreign limited
6 partnership to transact business in this state may be revoked
7 by the secretary of state in the manner provided in subsections
8 2 and 3 if the foreign limited partnership does not do any of
9 the following:

10 a. Pay, within sixty days after the due date, any fee, tax
11 or penalty under this chapter or other law due the secretary of
12 state.

13 b. Deliver, within sixty days after the due date, its
14 biennial report required under section 488.210.

15 c. ~~Appoint~~ Designate and continuously maintain a registered
16 office and appoint and maintain a registered agent for service
17 of process as required by section 488.114, ~~subsection 2.~~

18 d. Deliver for filing a statement of a change under section
19 488.115 within ~~thirty~~ sixty days after a the change has
20 occurred ~~in the name or address of the registered agent for~~
21 ~~service of process.~~

22 2. In order to revoke a certificate of authority, the
23 secretary of state must prepare, sign, and file a notice of
24 revocation and send a copy to the foreign limited partnership's
25 registered agent for service of process in this state, or
26 if the foreign limited partnership does not appoint and
27 maintain a proper agent in this state, to the foreign limited
28 partnership's ~~registered~~ principal office. The notice must
29 state all of the following:

30 a. The revocation's effective date, which must be at least
31 sixty days after the date the secretary of state sends the
32 copy.

33 b. The foreign limited partnership's ~~failures~~ failure
34 to comply with subsection 1 which ~~are~~ is the reason for the
35 revocation.

1 Sec. _____. Section 488.1206, subsection 1, Code 2018, is
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *Op.* Articles of merger.....\$50

4 DIVISION ____

5 IOWA BUSINESS CORPORATION ACT

6 Sec. _____. Section 490.122, subsection 1, paragraph b, Code
7 2018, is amended by striking the paragraph.

8 DIVISION ____

9 IOWA BANKING ACT

10 Sec. _____. Section 524.1404, Code 2018, is amended to read
11 as follows:

12 **524.1404 Procedure after approval by the superintendent —**
13 **issuance of certificate of merger.**

14 If applicable state or federal laws require the approval of
15 the merger by a federal or state agency, the superintendent may
16 withhold delivery of the approved articles of merger until the
17 superintendent receives notice of the decision of such agency.
18 If the final approval of the agency is not given within six
19 months of the superintendent's approval, the superintendent
20 shall notify the parties to the plan that the approval of the
21 superintendent has been rescinded for that reason. If such
22 agency gives its approval, the superintendent shall deliver
23 the articles of merger, with the superintendent's approval
24 indicated on the articles, to the secretary of state, and shall
25 notify the parties to the plan. The receipt of the approved
26 articles of merger by the secretary of state constitutes filing
27 of the articles of merger with that office. The secretary of
28 state shall record the articles of merger, and forward a copy
29 of the articles ~~shall be filed and recorded in~~ to the office of
30 the county recorder in each county in which the parties to the
31 plan had previously maintained a principal place of business
32 for filing. On the date upon which the merger is effective
33 the secretary of state shall issue a certificate of merger and
34 send the same to the resulting state bank and a copy of the
35 certificate of merger to the superintendent.

1 Sec. _____. Section 524.1506, subsection 1, Code 2018, is
2 amended to read as follows:

1. The secretary of state shall record the articles of amendment, and forward a copy of the articles of amendment ~~shall be filed in~~ to the office of the county recorder in the county in which the state bank has its principal place of business for filing. The secretary of state upon the filing of the articles of amendment shall issue a certificate of amendment and send the same to the state bank.

10 DIVISION ____
11 PROHIBITED UCC RECORD FILINGS

12 Sec. _____. Section 554.9516, subsection 2, Code 2018, is
13 amended by adding the following new paragraph:

14 NEW PARAGRAPH. *Of.* in the case of an initial financing
15 statement or an amendment, a secured party and a debtor appear
16 to be the same party. The secretary of state may require the
17 person filing the financing statement to furnish reasonable
18 proof that the parties are not the same.

19 Sec. _____. NEW SECTION. 708.7A Persons unauthorized to file
20 records.

21 1. A person shall not cause to be communicated to the filing
22 office, as defined in section 554.9102, for filing a record,
23 also defined in that section, if all of the following apply:

24 a. The person is not authorized or otherwise entitled to
25 file the record under section 554.9509.

26 *b.* The record is not related to an existing or anticipated
27 transaction that is or will be governed by chapter 554, article
28 9.

29 c. The record is presented for filing or filed with the
30 intent to harass or defraud the person identified as a debtor
31 in the record.

32 2. A person who commits a violation of this section is
33 guilty of the following:

34 a. A simple misdemeanor for a first offense.

35 *b.* A serious misdemeanor for a second or subsequent

S-5085 (Continued)

1 offense.>

2 2. Title page, by striking lines 4 and 5 and inserting
3 <farming, the powers and duties of the office of secretary of
4 state, the liability of corporate directors, and commercial
5 transactions involving creditors, providing for fees, and
6 providing for penalties.>

7 3. By renumbering as necessary.

By JEFF EDLER

[S-5085](#) FILED MARCH 5, 2018

WITHDRAWN

SENATE FILE 2322

S-5086

1 Amend Senate File 2322 as follows:

2 1. Page 1, lines 3 and 4, by striking <physician, dentist,
3 podiatric physician, or prescribing psychologist> and inserting
4 ~~<physician, dentist, podiatric physician, or prescribing~~
5 psychologist prescriber>

6 2. Page 1, lines 32 and 33, by striking <dentist, physician,
7 podiatric physician, or prescribing psychologist> and inserting
8 ~~<dentist, physician, podiatric physician, or prescribing~~
9 psychologist prescriber>

10 3. Page 2, lines 2 and 3, by striking <physician, dentist,
11 podiatric physician, or prescribing psychologist> and inserting
12 ~~<physician, dentist, podiatric physician, or prescribing~~
13 psychologist prescriber>

14 4. Page 2, line 4, by striking <offer to> and inserting
15 ~~<offer to>~~

16 5. Page 2, line 5, by striking <written prescription> and
17 inserting <written prescription, if requested,>

18 6. Page 2, lines 12 and 13, by striking <to a certified
19 pharmacy technician>

20 7. Page 3, line 4, by striking <dispense> and inserting
21 <order and administer>

22 8. Page 4, line 13, by striking <shall> and inserting <may>

23 9. Page 4, before line 27 by inserting:

24 <Sec. _____. Section 155A.34, Code 2018, is amended by
25 striking the section and inserting in lieu thereof the
26 following:

27 **155A.34 Transfer of prescriptions.**

28 Any prescription transfer shall be from a licensed pharmacy
29 to another licensed pharmacy and be performed in accordance
30 with rules adopted by the board.>

31 10. Page 5, line 32, after <pharmacist> by inserting
32 <ordering or>

33 11. Page 6, line 12, by striking <annual>

34 12. Page 6, line 13, by striking <administration> and
35 inserting <statewide>

S-5086 (Continued)

- 1 13. Page 6, by striking lines 14 and 15 and inserting:
- 2 <Sec. _____. FUTURE REPEAL. Section 155A.44, Code 2018, is
- 3 repealed effective July 1, 2019.>
- 4 14. By renumbering as necessary.

By JASON SCHULTZ

[S-5086](#) FILED MARCH 5, 2018
ADOPTED

SENATE FILE 2345

S-5093

- 1 Amend Senate File 2345 as follows:
- 2 1. Page 1, line 7, by striking <individual> and inserting
- 3 <eligible service member, as defined in section 16.54,>

By ROBERT M. HOGG

S-5093 FILED MARCH 5, 2018

LOST

SENATE FILE 2345

S-5094

1 Amend Senate File 2345 as follows:

2 1. Page 1, line 12, after <land.> by inserting <The program
3 shall provide that an individual financing a manufactured
4 home pursuant to this section shall not be evicted from a
5 manufactured home sited on leased land without just cause and a
6 violation of this provision shall authorize the individual to
7 seek damages pursuant to chapter 562B.>

By ROBERT M. HOGG

S-5094 FILED MARCH 5, 2018

LOST

SENATE FILE 2345

S-5095

- 1 Amend Senate File 2345 as follows:
- 2 1. Page 3, line 2, after <Iowa.> by inserting <An eligible
- 3 member of the armed forces of the United States financing a
- 4 manufactured home on leased land pursuant to this section
- 5 shall not be evicted from the manufactured home without just
- 6 cause and a violation of this provision shall authorize the
- 7 individual to seek damages pursuant to chapter 562B.>

By ROBERT M. HOGG

S-5095 FILED MARCH 5, 2018

LOST

SENATE FILE 2361

S-5088

- 1 Amend Senate File 2361 as follows:
- 2 1. Page 1, line 6, by striking <one-credit-hour>

By AMY SINCLAIR

S-5088 FILED MARCH 5, 2018



SJR 2010 – Criminal Victim Rights Constitutional Amendment (LSB5459SV)
Analyst: Laura Book (515.205.9275) laura.book@legis.iowa.gov
Fiscal Note Version – New

Description

[Senate Joint Resolution 2010](#) proposes an amendment to the Constitution of the State of Iowa relating to the rights of a crime victim. [Senate Joint Resolution 2010](#) specifies that a victim shall have rights which shall be protected in a manner not less than the rights afforded a defendant. The Joint Resolution requires that a victim have the right to be treated with fairness and dignity by the State, and the victim's safety and privacy shall be respected. The victim also has the right to be informed of all rights enumerated in the Resolution.

The Joint Resolution provides that upon request, a victim shall have the right to:

- Reasonable and timely notice of all proceedings involving a criminal offense or delinquent act;
- Be present at all court proceedings;
- Be heard in any proceeding involving a release, plea, sentencing, disposition, parole, and any other proceedings during which a right of the victim is implicated.

The Joint Resolution also provides that a victim shall:

- Be afforded no-contact orders or release conditions issued by the court, which are reasonably necessary to protect the victim;
- Be provided notice of any release or escape of the defendant;
- Be entitled to full and timely restitution, proceedings free from unreasonable delay, and the prompt conclusion of a criminal case;
- Have the right to confer with the attorney for the government.

The Joint Resolution defines a victim as any person who is harmed as a direct result of any indictable offense or comparable delinquent act, or any nonindictable offense or comparable delinquent act involving an act or threat of violence. The definition does not include the defendant or a person the court finds would not act in the best interests of a victim who is deceased, incompetent, or incapacitated, or a minor.

The Joint Resolution, if adopted, would be published and then referred to the next General Assembly for adoption a second time, before being submitted to the electorate for ratification.

Background

Under Iowa Code section [915.10](#), a victim is defined as a person who has suffered physical, emotional, or financial harm as the result of a public offense or a delinquent act, other than a simple misdemeanor, committed in this State. The definition also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense. The Joint Resolution broadens the definition of a victim under current law.

Current Victim Notification Requirements — Iowa Code Chapter 915

Under current law, a registered victim has the right to notification from certain local and State agencies as required in Iowa Code chapter [915](#). In addition to the right to notification, a victim has the right to be present at case proceedings, to be heard at sentencing and parole hearings, to request restitution, and to be notified of any change in the convicted offender's status, location, release, escape, or death.

A registered victim is someone who has provided the county attorney with a written request for registration or has filed a request for registration with the Iowa Victim Information and Notification Everyday (IowaVINE) system. The local police department or county sheriff's department is required to advise the victim of the right to register with the county attorney, and must provide a request-for-registration form to each victim. The county attorney must provide a list of registered victims to the offices, agencies, and departments required to provide information under Iowa Code chapter [915](#) for notification purposes.

IowaVINE System

IowaVINE is the automated victim notification system that allows crime victims to seek information and notification of a change in the custody status of an offender. The system is maintained by the Crime Victim Assistance Division of the Iowa Department of Justice. Victims may be notified by phone or email when an offender is moved between facilities, is released to the community, or dies while incarcerated. A victim, or the victim's family or other interested person, may register with the automated victim notification system.

Constitutional Amendment Requirements

Once the General Assembly adopts an amendment for the first time, the Secretary of State is required to publish the proposed amendment in two newspapers in each of the four congressional districts. Each publication needs to be run once in each newspaper for three consecutive months prior to the convening of the next General Assembly. Once the second General Assembly approves the proposed amendment, the Secretary of State places the public measure on the next general election ballot. Prior to the general election, the public measure is published in each of the 99 counties, once each month for the three consecutive months immediately preceding the election.

Assumptions

- Analysis assumes that the Joint Resolution will become law.
- As of January 1, 2018, there are 78,841 pending criminal cases (excluding State traffic and ordinance violations). It is assumed that half of those cases involve victims who wish to speak at hearings, and that each case involves three hearings a year.
- Victims' statements add 10 minutes to each hearing, resulting in an additional 19,710 hours of court time per year.
- The average cost per hour for a court hearing (judge and court staff time) is \$212.
- There is an average of 1.2 victims per case, with an estimated 94,609 victims per year.
- Court staff will spend 15 minutes per year per victim managing the victim's information and hearing notices. The total additional court staff time for this purpose will be 23,652 hours per year.
- The average cost per hour for a Judicial Specialist is \$26.
- The SOS is required to publish the proposed amendment in 8 different newspapers.
- Publication cost is \$0.96 per word. The public measure would be approximately 600 words at a total cost of \$600 per publication.

- The first publication would occur in FY 2019 after first approval by the General Assembly and the second publication would occur in FY 2020 after second approval by the next General Assembly.

Fiscal Impact

The overall fiscal impact of [SJR 2010](#) cannot be accurately determined at this time. The provisions of the Joint Resolution securing the rights to notice of release or escape, to be present at case proceedings, to be heard at sentencing and parole hearings, and to restitution are already required by State law. [Senate Joint Resolution 2010](#) contains new mandates for local and State agencies that may result in a fiscal impact on the individual agencies. The expanded definition of a victim under the Joint Resolution may result in a greater demand on the IowaVINE system and increase the notification burden on local and State agencies.

Judicial Branch Impact

[Senate Joint Resolution 2010](#) is estimated to have a fiscal impact on the Judicial Branch operating budget. The Joint Resolution will likely increase time spent by the court on criminal case hearings due to the requirement that victims have a right to be heard at any of the proceedings. The estimated additional cost per year for judge and court staff time is \$4.2 million. The Joint Resolution will also likely increase time spent by court staff on the management of victim identification and notification under the new requirements. The cost of increased time spent by court staff for these purposes is estimated to be approximately \$618,000. As a result, [SJR 2010](#) is estimated to have a total fiscal impact of \$4.8 million on the Judicial Branch operating budget.

Local Government Impact

[Senate Joint Resolution 2010](#) may have an impact on local law enforcement and county attorneys. In other states where a similar amendment has been implemented, there has been an increased need for counties to hire more victim support staff and attorneys to remain in compliance with the amendment. It is uncertain whether additional staff will also be necessary in Iowa once the law is implemented. In addition, compliance training for local officials and law enforcement may be necessary. County jails may also experience some impact if they are required to hold a defendant longer until the victim has the chance to be heard before the defendant's release. Due to the varying availability of local victim services across the State, a case-by-case analysis would be necessary to determine what would be needed at the local level.

Secretary of State Impact

The Secretary of State will incur costs from publication in FY 2019 and FY 2020. After the initial passage by the General Assembly, the proposed amendment would need to be published in eight different newspapers in October, November, and December of 2018. The publications are estimated to cost approximately \$14,000 in FY 2019. After the second passage by the next General Assembly, the public measure would be placed on the 2020 general election ballot. The proposed amendment would need to be published in each of the 99 counties, in August, September, and October 2020. The cost for publishing the proposed amendment in FY 2020 prior to the general election is estimated to be approximately \$178,200. The funding for the publications would be provided for through the Secretary of State operating budget.

Sources

Iowa Judicial Branch
Iowa Department of Justice
Office of the Secretary of State

/s/ Holly M. Lyons

March 5, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.



HF 2377 – Opioid Regulation (LSB6028HV.1)
Analyst: Kent Ohms (515.971.7053) kenneth.ohms@legis.iowa.gov
Fiscal Note Version – As Amended and Passed by the House

Description – All Divisions

House File 2377 makes a variety of changes to the practice of pharmacy. Of the seven divisions in the Bill, three will have a fiscal impact; two may have a fiscal impact, but the extent of the fiscal impact is indeterminable; and two are expected to have little or no fiscal impact.

- Fiscal impact: Divisions I, III, and IV
- Possible but indeterminable fiscal impact: Divisions II and VII
- No or little fiscal impact: Divisions V and VI

Background – All Divisions

Iowa Code section [147.80](#) requires licensing boards to establish fees to sustain the cost of operations and services, and to annually adjust the fee schedule to cover projected expenses.

Assumptions – All Divisions

- The Board of Pharmacy (the Board) will comply with Iowa Code section [147.80](#).
- All costs associated with the Bill will likely be eligible for expenditure from the Drug Information Program Fund; otherwise, the Board of Pharmacy will use its operating budget to cover costs.

DIVISION I: Regulation of the Prescription Drug Monitoring Program

Description

Updates the [Prescription Monitoring Program](#) (PMP) in the following ways:

- Adds opioid antagonists to the list of drugs reportable to the Program and requires first responders, excluding emergency medical care providers, to report administration of opioid antagonists. Establishes a transfer of information from the Department of Public Health to the Board on administration of opioid antagonists by emergency medical providers.
- Requires all prescribing practitioners to register for the Program.
- Requires pharmacies or prescribing practitioners that dispense a controlled substance to report the dispensing of the controlled substance to the Program within one business day.
- Removes the four-year retention limit of Program information.
- Authorizes the Board of Pharmacy to establish a surcharge of up to 25.0% on the Controlled Substances Act (CSA) registration fee under Iowa Code section [124.302](#). Revenues are required to be deposited in the Drug Information Program Fund.

Background

The PMP provides authorized prescribers and pharmacists with information regarding their patients' use of controlled substances. That information is used as a tool in determining appropriate prescribing and treatment of patients without fear of contributing to a patient's abuse of or dependence on addictive drugs or diversion of those drugs to illicit use. Iowa-licensed pharmacies, including both in-state and nonresident pharmacies, are required to report to the

Iowa PMP all Schedule II, III, and IV controlled substances dispensed by the pharmacy to ambulatory patients.

Assumptions

- The Board will need to develop a separate module of reporting in the PMP for first responders to submit information about opioid antagonist administration.
- There are approximately 19,500 Controlled Substances Act registrants in Iowa.
- Controlled Substances Act registration is currently done biennially. However, Division V of the Bill strikes this requirement. Therefore, the Board of Pharmacy would establish the frequency of registration. Under the new requirement, registration could take place annually, coincide with a practitioner's license registration (most registrations last two years, but a veterinarian's registration lasts three), or coincide with federal Drug Enforcement Administration registration (most registrations last three years). This estimate assumes a frequency coinciding with practitioner licensing.
- A 25.0% surcharge on registration would equal \$22.50.

Fiscal Impact

The surcharge for registration will result in increased revenue for the Drug Information Program Fund by an estimated \$189,000 in FY 2019, \$250,000 in FY 2020, and \$189,000 in FY 2021. Adding a module for first responders to report opioid antagonist dispensing will require expenditures estimated at \$75,000.

DIVISION II: Electronic Prescriptions

Description

Requires all prescriptions to be electronically transmitted to a pharmacy effective January 1, 2020, and includes provisions for exemptions and administrative penalties.

Assumptions

Hospitals and prescribers will become compliant with the electronic prescribing requirement by the deadline or seek an exemption to receive more time before becoming compliant.

Fiscal Impact

Any administrative penalties associated with electronic prescribing will be deposited into the Drug Information Program Fund and are estimated to be minimal.

DIVISION III: Prescriber Activity Reports

Description

Requires the Board of Pharmacy to annually issue a prescribing practitioner activity report of PMP activity to each practitioner registered with the Program. The Division also requires the Board to include information on general patient risk factors and educational updates in the PMP.

Assumptions

- The Division will require an initial setup cost for the report issuance and for annual licensing of the NarxCare controlled substances data platform for disseminating educational updates and information on general patient risk.

- To provide information and educational material required, the Board will purchase the AWARe Prescription Drug Safety Program data platform.

Fiscal Impact

NarxCare will require an annual licensing fee estimated to cost \$186,000. The AWARe platform setup is estimated to cost \$10,000 initially with no annual maintenance costs.

DIVISION IV: Substance Abuse Prevention

Description

Requires the Board of Pharmacy to establish criteria for the identification of patients who are potentially misusing or abusing prescription opioids, and authorizes the Board to proactively notify the pharmacist and prescribing practitioner involved in the patient's care of the Board's concern. The Division also requires licensing boards that have prescribing practitioners to establish penalties for those who prescribe in dosage amounts exceeding what would be prescribed by a reasonably prudent prescribing practitioner. The Boards of Medicine, Nursing, and Dentistry are required to adopt rules requiring licensees to receive continuing education credits regarding the U.S. Centers for Disease Control and Prevention guidelines for prescribing opioids.

Assumptions

The Board of Pharmacy will need to hire 0.5 full-time equivalent (FTE) position Pharmacist and will need to purchase new general office equipment to implement and administer the Iowa PMP.

Fiscal Impact

The increased expenditure for salaries and benefits is estimated at \$64,000 annually beginning in FY 2019. The cost of office equipment is estimated at \$3,000 in FY 2019 and less than \$1,000 thereafter.

DIVISION V: Registration

Description

Modifies Iowa Code chapter [124](#) (Controlled Substances Act) in the following ways:

- Removes "biennial" from the CSA registration requirements, which will permit registration frequency to be established by the Board of Pharmacy. See assumptions in Division I for more details on available options.
- Expands the disciplinary action available for the Board to take against CSA registrants beyond suspension, revocation, or restriction.

Assumptions

- Similarly to Division I, the CSA registration will be aligned with the professional licensure renewal cycle.
- Less severe disciplinary action available to the Board would include sanctions such as civil penalties, probationary conditions, etc.

Fiscal Impact

No or little fiscal impact.

DIVISION VI: Controlled Substance — Precursor Substances

Description

The Bill classifies 12 substances as Schedule I controlled substances under Iowa Code section [124.204\(9\)](#). Penalties for possession of these substances will range from a serious misdemeanor (first offense of unlawful possession) to a Class B or Class C felony (for manufacturing and delivery).

The Bill adds one substance as a Schedule II controlled substance under Iowa Code section [124.206](#). Penalties for possession of this substance will range from a serious misdemeanor (first offense of unlawful possession) to a Class C felony (for manufacturing and delivery).

The Bill also adds one substance as a precursor substance for purposes of reporting requirements in Iowa Code section [124B.2](#). The penalty for possession of this substance will be a Class C felony (for manufacturing and delivery).

Assumption

This change conforms Iowa Code to current federal law.

Fiscal Impact

No or little fiscal impact.

Correctional Impact

This Division is estimated to result in minimal correctional impact. Refer to the Legislative Services Agency (LSA) memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Minority Impact

The minority impact of this Division is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

DIVISION VII: Good Samaritan Immunity

Description

Creates a good Samaritan protection ensuring that a person seeking treatment for a drug-related overdose, or a person seeking medical treatment for a person experiencing a drug-related overdose, cannot be arrested or prosecuted for certain controlled-substances-related violations on the basis of information collected or derived from the person's actions in seeking medical assistance.

Assumptions

The Department of Human Rights, Criminal and Juvenile Justice Planning Division is unable to estimate how many charges or convictions were the result of overdoses.

Fiscal Impact

No or little fiscal impact.

Correctional Impact

This Division is estimated to result in minimal correctional impact. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to the correctional system.

Minority Impact

The minority impact of this Division is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

ALL DIVISIONS**Fiscal Impact – All Divisions**

No impact to the General Fund is expected. Since the Board of Pharmacy operates using fees for professional licensure and regulation, the Board will need to evaluate the overall fee schedule and budget to ensure that revenues align with expenses, and will need to adjust both of those categories as necessary. Total estimated revenues and expenditures are outlined in the following table.

Estimated Impact of HF 2377			
	FY 2019	FY 2020	FY 2021
Division I			
PMP Reporting for First Responders	\$ -75,000	\$ 0	\$ 0
PMP Surcharge	189,000	250,000	189,000
Subtotal Division I	<u>\$ 114,000</u>	<u>\$ 250,000</u>	<u>\$ 189,000</u>
Division III			
Prescriber Activity Report (AWARxE)	\$ -10,000	\$ 0	\$ 0
NarxCare	-186,000	-186,000	-186,000
Subtotal Division III	<u>\$ -196,000</u>	<u>\$ -186,000</u>	<u>\$ -186,000</u>
Division IV			
Proactive Notification (0.5 FTE position)	\$ -67,000	\$ -64,000	\$ -64,000
Subtotal Division IV	<u>\$ -67,000</u>	<u>\$ -64,000</u>	<u>\$ -64,000</u>
Grand Total	<u>\$ -149,000</u>	<u>\$ 0</u>	<u>\$ -61,000</u>

Correctional Impact – All Divisions

The Bill is estimated to result in minimal correctional impact. Refer to the LSA memo addressed to the General Assembly, [Cost Estimates Used for Correctional Impact Statements](#), dated January 8, 2018, for information related to correctional system.

Minority Impact – All Divisions

The minority impact of the Bill is unknown. Refer to the LSA memo addressed to the General Assembly, [Minority Impact Statement](#), dated January 29, 2018, for information related to minorities in the criminal justice system.

Sources

Board of Pharmacy
Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Public Health

/s/ Holly M. Lyons

March 5, 2018

The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.
